

REMARKS

In the Office Action of February 13, 2003, Claims 14, 15, and 28 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ohta et al. (U.S. Pat. No. 5,031,871); Claims 10-12, 14, 15, and 28 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Stout (U.S. Pat. No. 4,822,157); Claims 10-12, 14, 15, and 28 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lang et al. (U.S. Pat. No. 5,583,703); Claims 10-12, 14, 15, and 28 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Nierhaus et al. (U.S. Pat. No. 4,306,701); Claims 10-12, 14, 15, 16, 19-21, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eifert (U.S. Pat. No. 4,988,178); Claims 16, 17, and 19-22 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Stout or Lang; Claims 16, 17, and 19-22 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Nierhaus; and Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Eifert.

The specification was objected to in the Office Action as allegedly failing to provide proper antecedent basis under 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o) for the subject matter recited in Claim 19. Applicants have amended Claim 19 herein and respectfully submit that Claim 19 as amended obviates the objection; thus, Applicants respectfully request that the Examiner remove this objection.

Also in the present Office Action, the Applicants' IDS, filed May 17, 2001, was placed in the file but not considered on the merits for allegedly failing to comply with the provisions of 37 C.F.R. §§ 1.97 and 1.98 and MPEP § 609 because copies of the references were allegedly not provided. Applicants wish to thank the Examiner for his

time to discuss Applicants' May 17, 2001, IDS, with the Applicants' attorney by phone on March 12, 2003. In accordance with that discussion, Applicants have attached a copy of the return receipt postcard date-stamped May 21, 2001, by OIPE acknowledging receipt of eighty-eight (88) IDS references, among other things. For the Examiner's convenience, the May 17, 2001, IDS along with duplicate copies of the 88 references are attached. Accordingly, Applicants respectfully request that the Examiner consider these references on their merits as of their original filing date of May 17, 2001. Applicants believe that no additional fee is due since the May 17, 2001, IDS and 88 references were properly filed and acknowledged by OIPE on May 21, 2001; however, authorization to charge Deposit Account 04-1403 is provided should the Office determine that an additional fee is required.

In this Amendment, Applicants have canceled Claim 18 and amended Claims 10, 14, and 19-22. Of the pending claims, Claims 10 and 14 are independent claims.

Applicants respectfully traverse the rejection of Claim 14 as allegedly anticipated by Ohta under § 102(b) for the following reasons. Claim 14 recites in pertinent part, a holding component configured to attach to a vehicle; a first clamping part configured to attach to the holding component; and a second clamping part configured to attach to the holding component disposed opposite of the first clamping part, the first and second clamping parts cooperating to clamp about the holding component and releasably attach to each other, the second clamping part further configured to fastenably hold the mirror element, wherein the second clamping part has at least one hook element and the first clamping part has at least one snap connection, the at least one hook element and the at

least one snap connection snap-connectable to secure the first clamping part and the second clamping part together. Ohta does not disclose all of the elements of Claim 14.

In contrast, Ohta teaches a rearview mirror arrangement in which a mirror element (2) is attached to a back plate (20) held by a holding structure (3) separate and apart from clamping plates (41, 42) of fixing member 4. See Fig. 2 and col. 4, lines 6-25 of Ohta. Applicants respectfully submit that one skilled in the art would not have been motivated to significantly alter the elements of Ohta as they are suited for their intended purpose in order to anticipate Claim 14. Furthermore, such motivation can only be found through impermissible hindsight. Therefore, Applicants respectfully submit that Claim 14 is patentable over Ohta, and Applicants respectfully request that the Examiner remove the rejection to Claim 14 and indicate its allowability and the allowability of Claims 15-28 dependent thereon.

Applicants respectfully traverse the rejection of Claim 10 as unpatentable over Stout under § 102(b). Claim 10 as amended calls in pertinent part for a clamping part with a hook element and a housing framing with a snap connection, wherein the a hook element and the snap connection are snap-connectable to secure the housing framing and the clamping part together. Stout does not disclose each and every element of Claim 10.

Stout is generally directed to a back support (28) having an outer rim (44) to which a mirror (26) is clamped by a strip (46). The back support (28) is affixed by screws (56) to a plurality of clamps or brackets (52) about a tubular member (48). See, e.g., col. 3, lines 39-61 and Fig. 4 of Stout. This arrangement differs significantly from Claim 10. Accordingly, Applicants respectfully submit that Claim 10 as amended is patentable over Stout, and respectfully request that the Examiner remove the rejection to

Claim 10 and indicate its allowability and the allowability of Claims 11-12 dependent thereon.

Applicants respectfully traverse the rejection of Claim 14 as unpatentable over Stout under § 102(b). Claim 14 recites in pertinent part, a holding component configured to attach to a vehicle; a first clamping part configured to attach to the holding component; and a second clamping part configured to attach to the holding component disposed opposite of the first clamping part, the first and second clamping parts cooperating to clamp about the holding component and releasably attach to each other, the second clamping part further configured to fastenably hold the mirror element, wherein the second clamping part has at least one hook element and the first clamping part has at least one snap connection, the at least one hook element and the at least one snap connection snap-connectable to secure the first clamping part and the second clamping part together. Stout, as Figure 4 shows for example, does not disclose each and every element of Claim 14. Accordingly, Applicants respectfully submit that Claim 14 is patentable over Stout, and respectfully request that the Examiner remove the rejection to Claim 14 and indicate its allowability and the allowability of Claims 15-28 dependent thereon.

Applicants respectfully submit that Claim 10 is not anticipated by Lang under § 102(b). Lang does not disclose all of the elements of Claim 10. In contrast, Lang teaches a clamp bearing member (43) and a clamp fitting (44) fastened about a bar (46) by a fastener (45) similar to the arrangement of Stout, described above. See, e.g., Fig. 3 of Lang. In addition to the foregoing, Lang further discloses a base member (14) locked to a frame member (15) to which a mirror element (7) is attached. This arrangement differs substantially from Claim 10. Accordingly, Applicants respectfully submit that Claim 10

is patentable over Lang, and respectfully request that the Examiner remove the rejection to Claim 10 and indicate its allowability, and the allowability of Claims 11-12 dependent thereon.

Applicants respectfully submit that Claim 14 is not anticipated by Lang under § 102(b). Lang does not disclose all of the elements of Claim 14. In contrast, Lang teaches the previously described arrangement of clamp bearing member (43), clamp fitting (44), fastener (45), bar (46), base member (15), frame member (15), and mirror element (7). See, e.g., Fig. 3 of Lang. This arrangement is significantly different from Claim 14 of the present application. Accordingly, Applicants respectfully submit that Claim 14 is patentable over Lang, and respectfully request that the Examiner remove the rejection to Claim 14 and indicate its allowability and the allowability of Claims 15-28 dependent thereon.

Applicants respectfully submit that Nierhaus does not anticipate Claim 10 under § 102(b). Nierhaus does not disclose all of the elements of Claim 10 as amended. Further, the mounting plate (34) and bracket (68) of the cited reference are substantially different from the present Claim 10. See, e.g., Figs. 2 and 4 of Nierhaus. Accordingly, Applicants respectfully submit that Claim 10 is patentable over Nierhaus, and respectfully request that the Examiner remove the rejection to Claim 10 and indicate its allowability, and the allowability of Claims 11-12 dependent thereon.

Applicants respectfully submit that Nierhaus does not anticipate Claim 14 under § 102(b). Nierhaus does not disclose all of the elements of Claim 14 as amended, and its mounting plate (34) and bracket (68) differ substantially from Claim 14. See, e.g., Figs. 2 and 4 of Nierhaus. Accordingly, Applicants respectfully submit that Claim 14 is

patentable over Nierhaus, and respectfully request that the Examiner remove the rejection to Claim 14 and indicate its allowability and the allowability of Claims 15-28 dependent thereon.

Applicants respectfully submit that Eifert does not anticipate Claim 10 under § 102(b). Eifert does not disclose all of the elements of Claim 10. In further contrast, Eifert teaches a substantially different assembly having a bush (42), strap (44), and an intermediate member (50) that differ significantly from Claim 10. See, e.g., Fig. 4 of Eifert. Moreover, Eifert teaches away from Claim 10 by emphasizing the necessity of a strap-screw connection to allow the positioning and adjustment of intermediate members (50, 51) between the mounting profiles (40, 41). See col. 1., lines 56-62; col. 3, lines 43-46 and 64; and col. 4, lines 1-8. Incorporating the elements of Claim 10 in Eifert would complicate adjustment of the intermediate members of the cited reference, as they are suited for their intended purpose. Therefore, there is simply no motivation to modify Eifert in a manner that would anticipate Claim 10. Accordingly, Applicants respectfully submit that Claim 10 is patentable over Eifert and respectfully request that the Examiner remove the rejection to Claim 10 and indicate its allowability, and the allowability of Claims 11-12 dependent thereon.

Applicants respectfully submit that Eifert does not anticipate Claim 14 under § 102(b). Eifert does not disclose all of the elements of Claim 14 as amended, and the elements of the cited reference are substantially different from Claim 14. See e.g., Fig. 4 of Eifert. Moreover, no motivation is found in the cited reference to modify the disclosed elements, as they are suited for their intended purpose. Accordingly, Applicants respectfully submit that Claim 14 is patentable over Eifert, and respectfully request that

the Examiner remove the rejection to Claim 14 and indicate its allowability and the allowability of Claims 15-28 dependent thereon.

Applicants respectfully submit that the present Amendment distinguishes over the cited references and places the application in condition for allowance. Accordingly, Applicants respectfully request that the Examiner indicate the allowability of pending Claims 10-12, 14-17, 19-22 and 28.

The Examiner is encouraged to telephone the undersigned at his convenience should he have any questions regarding this matter or to resolve any remaining issues.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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